

1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 KIMBERLEE D. KING  
Deputy Attorney General  
4 State Bar No. 141813  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2581  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 3974

13 **JORA PETROSIAN**  
1208 Green St.  
Glendale, CA 91205

**A C C U S A T I O N**

14 Registered Pharmacy Technician License No. TCH 94104

15 Respondent.

16  
17  
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board).

22 2. On or about December 3, 2009, the Board issued Registered Pharmacy Technician  
23 License Number TCH 94104 to Jora Petrosian (Respondent). The Registered Pharmacy  
24 Technician License was in full force and effect at all times relevant to the charges brought herein  
25 and will expire on September 30, 2011, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following  
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

## STATUTORY PROVISIONS

4. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 490 of the Code provides that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

6. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or revoked."

7. Section 4301 of the Code states, in pertinent part:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

....

"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter.

....

///

1       "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
2 violation of or conspiring to violate any provision or term of this chapter [the Pharmacy Law] or  
3 of the applicable federal and state laws and regulations governing pharmacy, including  
4 regulations established by the board or by any other state or federal regulatory agency.

### 5                                   **REGULATORY PROVISIONS**

6       8.     California Code of Regulations, title 16, section 1770, states, in pertinent part:

7       "For the purpose of denial, suspension, or revocation of a personal or facility license  
8 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
9 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
10 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
11 licensee or registrant to perform the functions authorized by his license or registration in a manner  
12 consistent with the public health, safety, or welfare."

### 13                                   **COST RECOVERY**

14       9.     Section 125.3 of the Code provides that the Board may request the administrative law  
15 judge to direct a licensee found to have committed a violation or violations of the licensing act to  
16 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### 17                                   **FIRST CAUSE FOR DISCIPLINE**

18                                   (Convictions of Substantially Related Crimes)

19       10.    Respondent is subject to disciplinary action under sections 490, 4300, subdivision (a),  
20 and 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section  
21 1770, in that, Respondent was convicted of crimes substantially related to the qualifications,  
22 functions or duties of a registered pharmacist. The circumstances are as follows:

23       a.     On or about September 13, 2010, after pleading nolo contendere, Respondent was  
24 convicted of one felony count of violating Penal Code section 530.5(c)(2) [fraud] in the criminal  
25 proceeding entitled *The People of the State of California v. Jora Petrosian* (Super. Ct. Los  
26 Angeles County, 2010, No. GA080995). The Court sentenced Respondent to 365 days in jail and  
27 placed Respondent on three (3) years of probation.

b. The circumstances underlying the conviction are that on or about August 26, 2010, Respondent was in possession of a fraudulent re-encoded credit card.

c. On or about August 10, 2010, after pleading nolo contendere, Respondent was convicted of four (4) felony counts of violating Penal Code section 12031(a)(1) [carry a loaded firearm in a public place]; Penal Code section 530.5(a) [get credit/etc: use other's identification]; Penal Code section 484e(d) [theft]; and Penal Code section 470(b) [possession of a forged drivers license] in the criminal proceeding entitled *The People of the State of California v. Jora Petrosian* (Super. Ct. Los Angeles County, 2010, No. GA080130). The Court sentenced Respondent to eight (8) days in jail, placed Respondent on three (3) years of probation, and ordered Respondent to stay away from victims S.M and A.B., and to make restitution to the victim A.W. in the amount of \$150. Furthermore, the Court ordered Respondent to complete 45 days of Probation Adult Alternative Work Service (P.A.A.W.S).

d. The circumstances underlying the conviction are that on or about April 12, 2010, Respondent was in possession of a loaded firearm, a fictitious driver's license, and a fraudulent re-encoded credit card.

## SECOND CAUSE FOR DISCIPLINE

(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption,)

11. Respondent is subject to disciplinary action under sections 4300, subdivision (a) and 4301, subdivision (f), on the grounds of unprofessional conduct, in that, Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, and/or corruption. Complaint refers to and by this reference incorporates the allegations set forth above in paragraph 10, subparagraphs a-d, inclusive, as though set forth fully.

### THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

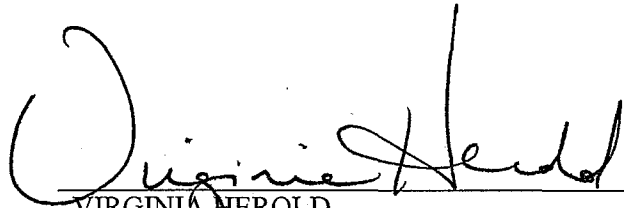
12. Respondent is subject to disciplinary action under sections 4301, subdivision (o), in that, Respondent committed acts of unprofessional conduct violating provisions of the Pharmacy Law. Complaint refers to and by this reference incorporates the allegations set forth above in paragraphs 10 and 11, inclusive, as though set forth fully.

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Registered Pharmacy Technician License Number TCH 94104, issued to Jora Petrosian
2. Ordering Jora Petrosian to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 7/14/11



VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant

LA2011501333  
50877563.docx